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Office of the Chairman

**National Transportation Safety Board**

Washington, D.C. 20594

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U.S. Department of Transportation  
Room PL 401  
400 Seventh Street, S.W.  
Washington, D.C. 20591

FAA-2003-15085-29

Dear Sir or Madam:

The National Transportation Safety Board has reviewed the Federal Aviation Administration's (FAA's) notice of proposed rulemaking (NPRM), "Hazardous Materials Training Requirements," Docket No. FAA-2003-15085, which was published at 68 *Federal Register* 24811 on May 8, 2003. The Board notes that the proposed rulemaking addresses issues that pertain to Safety Recommendations A-96-26 and A-97-73, which were issued as a result of the Safety Board's investigation of the crash of ValuJet flight 592 in the Florida Everglades on May 11, 1996.

Safety Recommendation A-96-26 called for the FAA to require all air carriers, based on the results of a previously completed evaluation, to revise as necessary their practices and training for accepting passenger baggage and freight shipments and for identifying undeclared or unauthorized hazardous materials that are offered for transport.

The Safety Board notes that the proposed new rule would amend the operating requirements and standardize hazardous materials training requirements for all passenger air carriers regulated under 14 *Code of Federal Regulations* (CFR) Part 121 (passenger air carriers operating aircraft with 60 or more seats) and 14 CFR Part 135 (passenger air carriers operating aircraft with fewer than 60 seats). According to the NPRM, if the proposed rule is adopted, each Part 121 and Part 135 carrier will be required to specifically state in its operations manual whether the carrier will carry hazardous materials. The carrier will then be required to train its employees who perform or supervise transportation-related functions, such as flight and cabin crews, baggage handlers, and ticket agents. The proposed rule would also establish separate training curricula for both "will carry" and "will not carry" carriers. The rule would specify the required topics and subject matter to be addressed under each curriculum and would require that employees in specific job functions complete specific training modules covering such topics as company material (COMAT), packaging, marking and labeling, and hidden dangerous goods. The Safety Board notes that the FAA also proposes to require that the operations manuals for each Part 121 and Part 135 carrier include procedures and information regarding the identification and/or rejection of packages that show signs of containing undeclared hazardous materials.

The Safety Board supports these training proposals and believes that their implementation will be a significant safety improvement. The Board notes that the proposed training

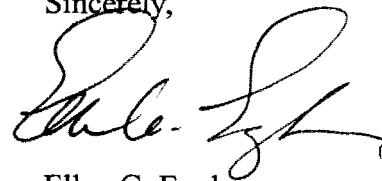
requirements would apply only to passenger air carriers. The FAA confirmed to Safety Board staff that the proposed requirements would not apply to cargo-only carriers or to the cargo-only operations of passenger carriers. Under the U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171-180), any carrier (regardless of mode) that transports hazardous materials is required to provide hazardous materials training to its employees who perform transportation-related functions. However, because of their intermodal nature, the Hazardous Materials Regulations do not specify the required subject areas for training and are more generic than the proposed requirements in the NPRM. Consequently, although cargo-only carriers and the cargo-only operations of passenger carriers may already have hazardous materials training programs in place, the specific training requirements in this proposed rulemaking for passenger air carrier operations would benefit air cargo-only operations by establishing specific training curricula. Also, the Hazardous Materials Regulations do not require an air carrier that elects not to transport hazardous materials to provide hazardous materials awareness and recognition training. By extending the proposed rulemaking's requirements to all air carriers, "will not carry" cargo carriers would be required to provide hazardous materials awareness and recognition training. Therefore, the Safety Board suggests that all cargo carriers and the cargo-only operations of any passenger carriers be subject to comparable standards.

Safety Recommendation A-97-73 called for the FAA to require air carriers to ensure that maintenance facility personnel, including mechanics and shipping, receiving, and stores personnel, at air carrier-operated or subcontracted facilities are provided initial and recurrent training in hazardous materials handling. The recommendation specified that this training should cover hazardous materials recognition and the proper labeling, packaging, and shipment procedures with respect to the specific items of hazardous materials that are handled as a result of the carrier's maintenance functions.

The Safety Board notes that the proposed rule would establish explicit training requirements in 14 CFR Part 145 for FAA-certified repair stations. The Safety Board believes that the inclusion of the proposed requirement in 14 CFR Part 145 will greatly enhance the likelihood that repair stations will provide appropriate hazardous materials training for their employees. The proposed rule would also require that an air carrier inform the repair station whether it is a "will carry" or "will not carry" carrier and would require that the repair station provide this information to its employees. The Safety Board also supports these additional requirements and believes that all of the proposed changes to Part 145 are responsive to Safety Recommendation A-97-73.

The Safety Board appreciates the opportunity to comment on this proposed rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen G. Engleman", written in a cursive style.

Ellen G. Engleman  
Chairman